

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

Hugo Francisco MEDINA-SAENZ

CRIMINAL COMPLAINT

CASE NUMBER: MJ-24-04406-001-PCT-CDB

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Coconino in the District of Arizona, the defendant committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, in violation of Title 18, United States Code (U.S.C.) § 659 and 2, offense described as follows:

See Attachment A, Description of Count

I further state that I am a Special Agent for Homeland Security Investigations (HSI) and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: Parker Stanley, AUSA

Brynna Cooke, SA for HSI

Name of Complainant

BRYNNA M COOKE
Digitally signed by BRYNNA M COOKE
Date: 2024.11.22 14:01:16 -07'00'

Signature of Complainant

Sworn to telephonically before me

November 22, 2024 at 3:24 PM

Date

at Flagstaff, Arizona

City and State

HONORABLE CAMILLE D. BIBLES

United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

ATTACHMENT A
DESCRIPTION OF COUNT
COUNT 1

Theft from Interstate Shipment

On November 20, 2024, in the District of Arizona, Hugo Francisco MEDINA-SAENZ knowingly possessed goods and chattels, to wit: Nike Shoes, of a value in excess of \$1000.00, which had been stolen from a BNSF train while moving in interstate commerce from California to Arizona, knowing the said goods and chattels to be stolen.

All in violation of Title 18, United State Code, Section 659 and 2.

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

I, Brynna Cooke, a Special Agent for Homeland Security Investigations (HSI), being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with HSI and have been so employed since April 2024. I have a Bachelor of Science in Marine and Environmental Science from the United States Coast Guard Academy. Prior to my employment with HSI, I served as a United States Border Protection Officer for approximately four years and a Coast Guard Officer for approximately seven years. I am a law enforcement officer of the United States, and I am empowered by law to conduct criminal investigations, make arrests, and serve search and arrest warrants.

2. As a Special Agent with HSI, your Affiant investigates criminal violations of United States law, including import and export violations, controlled substances law violations, and money laundering violations. Your Affiant is familiar with investigations involving stolen vehicle organizations, organized theft, possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions. As an HSI Special Agent, your Affiant has been trained in conducting narcotics and money laundering investigations and received specialized training concerning violations of the Controlled Substances Act contained within Title 21 of the United States Code. I am currently assigned to the HSI Flagstaff Office located in Flagstaff, Arizona, where we investigate transnational criminal organizations to include money laundering and drug trafficking organizations operating throughout the United States.

3. By virtue of my employment as a Special Agent, your Affiant has performed various tasks, which include, but are not limited to:

- a. functioning as a surveillance agent, thus observing and recording movements of persons involved in violations of United States Code as well as violations of Arizona State law;

- b. functioning as a case agent, entailing the supervision of specific investigations involving various crimes throughout the United States; and
- c. conducting complex investigations involving transnational criminal organizations committing various crimes throughout the United States.

4. I have consulted with other experienced investigators concerning the practices of transnational criminal organizations and the best methods of investigating them. In preparing this affidavit, I have conferred with other Special Agents and law enforcement officers. Furthermore, I have personal knowledge of the following facts or have learned them from the individual(s) mentioned herein.

5. Based on the below facts, your Affiant submits there is probable cause that Hugo Francisco MEDINA-SAENZ committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, in violation of Title 18, United States Code (U.S.C.) § 659 and 2.

BACKGROUND

6. Over the past fifteen years, several Transnational Criminal Theft Organizations have been burglarizing BNSF Railway and Union Pacific trains throughout the Southwest of the United States to include Arizona. These organizations consist primarily of Mexican citizens from the Mexican State of Sinaloa who operate out of Arizona and California, with extensive connections throughout California, Arizona, and New Mexico. The train burglaries have increased in frequency over the past two years.

7. The suspects usually scout high value containers on the BNSF railway on Eastbound trains that parallel Interstate 40 near Needles, California. Once the organization targets a particular train of interest, they typically find a location for several train burglars to get on the train. Once on the train, the burglars open container doors while the train is moving and target merchandise to steal such as electronics, tools, and footwear. The burglars often target containers with visible high-security locks and use reciprocating saws, bolt-cutters, or similar tools to defeat the locking mechanisms. Once the burglars target a specific container that has desirable merchandise, the burglars on the train communicate with follow vehicles utilizing cellular devices, and those follow vehicles surveil the train until it stops, or the burglars will cause the train to stop to unload the freight. The suspects often cut the train braking system air hose, which causes the

train to go into an emergency stop (commonly referred to as “UDE”), which is a sudden and dramatic application of all the brakes on the train. By cutting an air hose, the burglars can control when and where the train is stopped to unload the cargo they target to burglarize. This act is very dangerous and can cause a train to derail, which could ultimately cause serious injury or death to BNSF employees or citizens. The suspects have also sabotaged the train signal system by cutting the locks off signal boxes and then by cutting the control wires inside. This is also a dangerous act that creates dark areas on the rail network, requiring non-traditional train dispatching functions and extensive repairs. High-value trains travel at speeds up to 70 MPH on multiple tracks in both east and west directions. The train crews and train dispatchers rely on the signals for safe transportation.

8. Once the burglars unload the merchandise from the container that is on the train, the burglars often hide the product in fields or brush adjacent to the BNSF tracks to conceal it until it can be picked up later. The location of the stolen merchandise is then shared by the train burglars with the use of cellular devices to the surveillance crew who are following the train. The organization will then send box trucks to pick up the stolen merchandise if law enforcement is not detected. Often, the box trucks used by the organization were found to have been stolen with their Vehicle Identification Number (VIN) swapped. Once the stolen merchandise has been picked up, it is usually transported to California where it is sold or fenced to wholesale online retailers such as third-party Amazon and eBay resellers.

CURRENT INVESTIGATION

9. Your Affiant learned the following information from BNSF Special Agent (SA) Derrick Porter:

- a. On November 20, 2024, at approximately 9:49 p.m., BNSF train ZLACLPK620U was traveling westbound in the District of Arizona along the Transcon and started losing air, bringing the BNSF train to an emergency stop near Hackberry, Arizona.
- b. Near the same time, a passing BNSF train observed three vehicles at the end of the BNSF train ZLACLPK620U. The vehicles were described as a white box truck, a red Chevrolet pickup truck and a white panel van.

1. Your Affiant knows that when a BNSF train is being burglarized, often times train burglars will turn the angle cock or cut an airline which

removes air from the braking system which in turn makes the BNSF train go into an emergency stop in an area convenient to steal merchandise from the BNSF train.

- c. BNSF dispatch then called the Mohave County Sheriffs' Office (MCSO) for assistance. Once MCSO Deputies arrived near the burglary scene, they later observed several vehicles to include a white panel van bearing California temporary license plate DD41J41 departing the area.
- d. The MCSO Deputy subsequently got behind the white panel van and subsequently ran the license plate on his mobile data terminal and during that time, the MCSO Deputy did not get a license plate return. At that time, the MCSO Deputy thought the license plate was fictitious, consistent with other BNSF burglary events he has dealt with.
- e. The MCSO Deputy then stopped the white panel van and contacted Hugo Francisco MEDINA-SAENZ (MEDINA-SAENZ) who was the driver.
- f. Immediately visible to the MCSO Deputy were Nike master cases throughout the white panel van and in the passenger seat.
 - 1. Your Affiant knows that Nike master cases are not available to the general public. Master cases are used to transport Nike shoes throughout commerce to their ultimate destination where they are then removed from Nike master case and sold separately.
- g. The MCSO Deputy also observed MEDINA-SAENZ was filthy, consistent with other encounters with other BNSF train burglars.
 - 1. Your Affiant knows that during other BNSF burger arrests, the suspects were usually covered in dirt from climbing on the BNSF trains and the containers on the BNSF trains.

- h. MEDINA-SAENZ told the MCSO Deputy that he was traveling from Phoenix, Arizona, and was working construction in Kingman, Arizona.
- i. MEDINA-SAENZ then told the MCSO Deputy that he was dropped off by a female in the desert and was instructed to pick up the white panel van, for which he was being paid \$200. MEDINA-SAENZ told the MCSO Deputy that he did not know what was in the white panel van.
- j. The MCSO Deputy then observed the white box truck VIN on the license plate did not match the publicly visible VIN on the dash.
- k. MEDINA-SAENZ then gave verbal consent (recorded on body camera) to search the white panel van and during the search, no other individuals were discovered. During the search, the same Nike master cases that were visible during the initial contact with MEDINA-SAENZ appeared to be throughout the white panel van.
- l. There appeared to be approximately 30 master cases bearing style CT8012-104 on the boxes within the white panel van.
 - 1. Your Affiant learned that Nike style CT8012-104 is an unreleased Air Jordan 11 Legend Blue with a release date of December 14, 2024. Your Affiant learned that Nike style CT8012-104 have a manufacturer's suggested retail price of \$ 230 per pair. Your Affiant knows that each Nike master case contains 6 pairs of Nike shoes within the master case. Based on the estimated amount of Nike Master cases within the panel van, it is estimated there is approximately \$41,400 worth of stolen Nike shoes within the white panel Vann.
- m. The MCSO Deputy provided the Nike style number CT8012-104 to SA Derrick Porter who learned the Nike shoes were stolen from container MSMU8932147 which was a container aboard BNSF train ZLACLPK620U.

n. MEDINA-SAENZ was subsequently arrested by the MCSO Deputy and transported to MCSO facility. During the arrest, the MEDINA-SAENZ had silver iPhone in a smoke case in his possession.

10. Your Affiant conducted Department of Homeland Security import research related to container MSMU8932147 and learned the following:

a. On October 27, 2024, container MSMU8932147 was shipped on the Motor Vessel GUNVOR MAERSK aboard voyage 442N that traveled from Fuzhou, China, and arrived at the Los Angeles, California, Seaport on November 11, 2024.

b. After its arrival, container BEAU5631114 was transferred to BNSF for transportation along the Transcon to Logistics Park, Kansas.

Hugo Francisco MEDINA-SAENZ

11. Your Affiant conducted law enforcement checks and learned MEDINA-SAENZ is a Mexican citizen from Los Mochis, Sinaloa, Mexico, and is present in the United States illegally. MEDINA-SAENZ has been voluntarily removed from the United States twice.

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CONCLUSION

12. For these reasons, your Affiant submits that there is probable cause to believe Hugo Francisco MEDINA-SAENZ committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment, in violation of Title 18, United States Code (U.S.C.) § 659 and 2.

13. I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

BRYNNA M
COOKE

Digitally signed by BRYNNA M
COOKE
Date: 2024.11.22 14:02:25 -07'00'

Brynna Cooke
Special Agent
Homeland Security Investigations

Sworn to and subscribed electronically this 22 day of November, 2024.



HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge